

CG-B-CC-0347  
**BOOTH, FRERET, IMLAY & TEPPER, P.C.**

ATTORNEYS AT LAW

**ROBERT M. BOOTH, JR. (1911-1981)**  
JULIAN P. FRERET (1918-1999)  
CHRISTOPHER D. IMLAY  
CARY S. TEPPER

**BETHESDA OFFICE:**  
7900 WISCONSIN AVENUE, SUITE 304  
BETHESDA, MD 20814-3628  
TELEPHONE: (301) 718-1818  
FACSIMILE: (301) 718-1820  
TEPPERLAW@AOL.COM

**SILVER SPRING OFFICE:**  
14356 CAPE MAY ROAD  
SILVER SPRING, MD 20904-6011  
TELEPHONE: (301) 384-5525  
FACSIMILE: (301) 384-6384  
BFTTPC@AOL.COM

December 21, 2005

**RECEIVED**

DEC 21 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.; Room TWD-204  
Washington, D.C. 20554

**Federal Communications Commission**  
Office of Secretary

**Re: KSBI-TV (38214) - Oklahoma City, OK**  
**KXOC-LP (38213) - Oklahoma City, OK**

**Request for Exemption from Closed Captioning Rules**

Dear Ms. Dortch:

On behalf of **Family Broadcasting Group, Inc.**, licensee of television broadcast stations KSBI-TV and KXOC-LP in Oklahoma City, Oklahoma, we hereby submit the attached "Request for Exemption from Closed Captioning Rules."

Should any questions arise concerning this matter, kindly contact the undersigned.

Sincerely,



Cary S. Tepper

Attachment

cc via email: Ameila Brown (FCC - Consumer & Government Affairs Bureau)  
cc: KSBI Public File



Family Broadcasting Group, Inc.

KSBI-TV/KSBI-DT Television Network

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.; Room TWD-204  
Washington, D.C. 20554

KSBI-TV (38214) - Oklahoma City, OK  
KXOC-LP (38213) - Oklahoma City, OK

**Request for Exemption from Close Captioning Rules**

Dear Ms. Dortch:

We are submitting this request for exemption in regard to the new Closed Captioning rules, which go into effect January 1, 2006. As we understand it, beginning January 1, 2006, all English-language television stations, including low power stations, must provide captioning for 100% of the new, non-exempt programming aired on the station.

We also understand there to be certain statutory exemptions, and that a video programming provider or distributor may file with the FCC a petition for an exemption for specific programming if supplying captions for that programming would result in an undue burden for the provider or distributor.

We understand there to be language in the new rules which list one example of exempt programming as "most programs which are shown between 2 a.m. and 6 a.m. local time." This makes a great deal of sense, as typically a broadcast station is airing 'paid programs', or 'per inquiry' programs between 2 a.m. and 6 a.m. These programs typically show a product and a phone number various ways over a course of a half hour time period.

Family Broadcasting Group, Inc. is a local Independent company, and we are the licensee of KSBI-TV and its associated low power station, KXOC-LP. As an Independent television broadcaster, a great deal of the broadcast day includes paid or per inquiry programming at various times on both KSBI-TV and KXOC-LP. Because of this, we are requesting exemption for these types of programs not only airing between 2 a.m. and 6 a.m., but any time they air during the broadcast day.

Additionally, KSBI-TV has a few local paid programs which fit the typical "paid programming" format. Examples would be Real Estate programs, and automotive sales programs. These programs showcase pictures or videos of the product while listing addresses, details in financing, product specifics, and phone numbers, which the viewer can call. Similar to "most programs which air between 2 a.m. and 6 a.m. local time", these programs are very easy to understand even if the audio were to be turned off. Moreover, if the local advertiser on KSBI-TV, or KSBI-TV were to have the financial burden of adding closed captioning to these programs, there would be significant loss of revenue.

Comparable to these paid programs, KSBI-TV also airs a few local and regional "paid" or "barter" programs which relate to hunting and fishing. Again, if these local advertisers, or KSBI-TV were to have the undue financial burden of Closed Captioning these programs, there would be a significant loss of revenue.

We also understand if captioning expense is in excess of 2% of gross revenues, no video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

1350 S.E. 82nd Street, Oklahoma City, OK 73149 • P.O. Box 95188, Oklahoma City, OK 73143 • [www.ksbity.com](http://www.ksbity.com)  
(405) 631-7335 • Fax (405) 631-7367



Family Broadcasting Group, Inc.

KSBI-TV/KSBI-DT Television Network

Because new "paid", "per inquiry", and "barter" programming arrives to KSBI-TV and KXOC-LP on a daily basis, and at times is scheduled to air the very day it arrives, it would be humanly, mechanically, and financially impossible for KSBI-TV and KXOC-LP to constantly caption these types of programs.

KSBI-TV and KXOC-LP have many programs which are Closed Captioned including our entire prime-time lineup, our news and weather programs, our children's programming, and our agricultural programs. Because of KSBI-TV's efforts to Close Caption as much programming as is possible for this station, and the undue stress and financial burden it would put on KSBI-TV to Close Caption the additional "paid", "per inquiry", and "barter" programming, we respectfully request exemptions for these programs.

If you have any questions about this request, or require any additional information, please do not hesitate to call me At (405) 631-7335.

Sincerely,

A handwritten signature in black ink, appearing to read "Brady M. Brus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brady M. Brus  
President